

AMENDED IN ASSEMBLY MAY 17, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1140

Introduced by Assembly Member Dymally

February 22, 2005

~~An act to add Section 52 to the Food and Agricultural Code, to add Section 27 to the Government Code, to add Section 37 to the Streets and Highways Code, and to add Section 541 to the Water Code, relating to elections. An act to add Sections 541 and 542 to the Water Code, relating to water districts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1140, as amended, Dymally. ~~Landowner voting districts. Water districts: landowner requirements.~~

~~Various~~

~~(1) Various provisions of existing law require that the voters within a district certain water districts holding an election to be landowners for the purpose of voting in elections conducted by the district or on behalf of those districts.~~

This bill would provide that, subject to any constitutional requirements, only a person who is a registered voters voter and who reside resides within the territory of a water district that provides services to that voter may vote in an election conducted by or on behalf of the district.

~~(2) Other provisions of existing law require the directors who serve on the board of directors of certain water districts to be landowners.~~

This bill would instead provide that, with certain exceptions, only a person who is a registered voter and who resides within the territory of a water district that provides services to that person is eligible to serve on the board of directors of that water district.

(3) *The bill would make legislative findings and declarations concerning landownership requirements affecting the ability to vote in an election or to hold public office.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 52 is added to the Food and~~
2 ~~Agricultural Code, to read:~~

3 ~~52. (a) Notwithstanding any other provision of this code and~~
4 ~~unless otherwise required by the California Constitution, the~~
5 ~~United States Constitution, or federal law, only a registered voter~~
6 ~~who resides within the territory of a district that provides services~~
7 ~~to that voter may vote in an election conducted by or on behalf of~~
8 ~~the district.~~

9 ~~(b) This section applies to an election conducted by a district~~
10 ~~on or after the effective date of this section.~~

11 ~~(c) “District” means an agency of the state, formed pursuant to~~
12 ~~general law or a special act, for the performance of governmental~~
13 ~~or proprietary functions, within limited geographic boundaries.~~

14 ~~SEC. 2. Section 27 is added to the Government Code, to read:~~

15 ~~27. (a) Notwithstanding any other provision of this code and~~
16 ~~unless otherwise required by the California Constitution, the~~
17 ~~United States Constitution, or federal law, only a registered voter~~
18 ~~who resides within the territory of a special district that provides~~
19 ~~services to that voter may vote in an election conducted by or on~~
20 ~~behalf of the district.~~

21 ~~(b) This section applies to any election conducted by a special~~
22 ~~district on or after the effective date of this section.~~

23 ~~(c) “Special district” means an agency of the state, formed~~
24 ~~pursuant to general law or a special act, for the performance of~~
25 ~~governmental or proprietary functions, with limited geographic~~
26 ~~boundaries.~~

27 ~~SEC. 3. Section 37 is added to the Streets and Highways~~
28 ~~Code, to read:~~

29 ~~37. (a) Notwithstanding any other provision of this code and~~
30 ~~unless otherwise required by the California Constitution, the~~
31 ~~United States Constitution, or federal law, only a registered voter~~
32 ~~who resides within the territory of a district that provides services~~

1 ~~to that voter may vote in an election conducted by or on behalf of~~
2 ~~the district.~~

3 ~~(b) This section applies to an election conducted by a district~~
4 ~~on or after the effective date of this section.~~

5 *SECTION 1. The Legislature finds and declares that, unless*
6 *constitutionally required, landownership should not be a*
7 *requirement for voting in an election or for holding public office*
8 *in the State of California.*

9 ~~SEC. 4.—~~

10 *SEC. 2. Section 541 is added to the Water Code, to read:*

11 541. (a) Notwithstanding any other provision of law, and
12 unless otherwise required by the California Constitution, the
13 United States Constitution, or federal law, only a *person who is a*
14 *registered voter and who resides within the territory of a water*
15 *district, as defined in Section 20200, that provides services to*
16 *that voter person may vote in an election conducted by or on*
17 *behalf of that water district.*

18 (b) This section applies to an election conducted by *or on*
19 *behalf of a water district on or after the effective date of this*
20 *section: district on or after January 1, 2006.*

21 (c) ~~“District” means an agency of the state, formed pursuant to~~
22 ~~general law or a special act, for the performance of governmental~~
23 ~~or proprietary functions, within limited geographic boundaries.~~

24 *SEC. 3. Section 542 is added to the Water Code, to read:*

25 542. (a) Notwithstanding any other provision of law, only a
26 *person who is a registered voter and who resides within the*
27 *territory of a water district, as defined in Section 20200, that*
28 *provides services to that person is eligible to serve on the board*
29 *of directors of that water district.*

30 (b) *This section does not apply to a water district with a board*
31 *of directors whose members serve as ex officio members of that*
32 *board.*

33 (c) *This section applies to an appointment made or an election*
34 *conducted by or on behalf of a water district on or after January*
35 *1, 2006.*